

Entered - 06/01/05 - sb  
CL05L0391 - DIANNE C. MITCHELL

05-R -1190

CLAIM OF: **PATRICIA DANKOSKY,**  
through her attorney,  
**Perry D. Ellis**  
**Suite 450**  
**1355 Peachtree Street, NE**  
**Atlanta, Georgia 30309**

For damages alleged to have been sustained as a result of a fall on September 15, 2003 at the Hartsfield-Jackson Atlanta International Airport.

THIS ADVERSED REPORT IS APPROVED

BY: \_\_\_\_\_

**JERRY L. DELOACH**  
**DEPUTY CITY ATTORNEY**

## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 6/28/05

CHAIR: Clara Wilson

Harold Sims

C. T. Martin

Joyce M. Sheppard

Ray Brooks

ADVERSED BY  
CITY COUNCIL

JUL 05 2005



**CITY OF ATLANTA**  
**OFFICE OF MUNICIPAL CLERK**  
July 12, 2005

**RHONDA DAUPHIN JOHNSON, CMC**  
**MUNICIPAL CLERK**

Perry D. Ellis  
Attorney at Law  
1355 Peachtree St., NE  
Suite 450  
Atlanta, GA 30309

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

**05-R-1190**

**RE: Patricia Dankosky**

Dear Attorney Ellis:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on July 05, 2005. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Yours very truly

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 05L0391

Date: June 10, 2005

Claimant /Victim PATRICIA DANKOSKY  
BY:(Atty) Perry D. Ellis  
Address: Suite 450, 1355 Peachtree Street, NE, Atlanta, Georgia 30309  
Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Stated  
Date of Notice: 04/01/05 Method: Written, proper X Improper         
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)         
Date of Occurrence 09/15/03 Place: Hartsfield-Jackson Atlanta International Airport  
Department Aviation Division:         
Employee involved        Disciplinary Action:       

NATURE OF CLAIM:

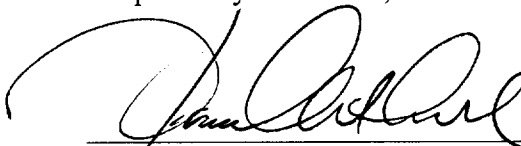
**INVESTIGATION:** The claimant alleges that she was injured when she fell on a raised area in the North Parking Deck. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, in that the six month statute of limitations expired prior to receipt of the claim.

Statements: City employee        Claimant        Others        Written        Oral         
Pictures        Diagrams        Reports: Police        Dept Report        Other         
Traffic citations issued: City Driver        Claimant Driver         
Citation disposition: City Driver        Claimant Driver       

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial         
Improper Notice        More than Six Months X Other        Damages reasonable         
City not involved        Offer rejected        Compromise settlement         
Repair/replacement by Ins. Co.        Repair/replacement by City Forces         
Claimant Negligent        City Negligent        Joint        Claim Abandoned       

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$        Adverse X Account charged: 1A01        2J01        2H01        2P01         
Claims Manager:        Concur/date 06/14/05  
Committee Action:        Council Action

RCS# 6810  
7/05/05  
3:03 PM

Atlanta City Council

Regular Session

CONSENT I                      CONSENT I PG(S) 5-19 EXCEPT 05-R-1140

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 0

Y Smith	NV Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	NV Muller	Y Sheperd	NV Borders

CONSENT I

		7/05/05
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 05-O-1198	31. 05-R-1142	43. 05-R-1153
2. 05-O-1071	32. 05-R-1143	44. 05-R-1154
3. 05-O-1050	33. 05-R-1144	45. 05-R-1155
4. 05-O-1051	34. 05-R-1145	46. 05-R-1156
5. 05-O-1206	35. 05-R-1146	47. 05-R-1157
6. 04-O-1364	36. 05-R-1147	48. 05-R-1158
7. 05-O-1058	37. 05-R-1148	49. 05-R-1159
8. 05-O-1059	38. 05-R-1149	50. 05-R-1160
9. 05-O-1083	39. 05-R-1150	51. 05-R-1161
10. 05-O-1092	40. 05-R-1151	52. 05-R-1162
11. 05-R-0113	41. 05-R-1152	53. 05-R-1163
12. 05-R-1213	42. 05-R-1238	54. 05-R-1164
13. 05-R-1007		55. 05-R-1165
14. 05-R-1046		56. 05-R-1166
15. 05-R-1048		57. 05-R-1167
16. 05-R-1088		58. 05-R-1168
17. 05-R-1137		59. 05-R-1169
18. 05-R-1138		60. 05-R-1170
19. 05-R-1139		61. 05-R-1171
20. 05-R-1141		62. 05-R-1172
21. 05-R-1196		63. 05-R-1173
22. 05-R-1239		64. 05-R-1174
23. 05-R-1136		65. 05-R-1175
24. 05-R-1124		66. 05-R-1176
25. 05-R-1125		67. 05-R-1177
26. 05-R-1130		68. 05-R-1178
27. 05-R-1193		69. 05-R-1179
28. 05-R-1197		70. 05-R-1180
29. 05-R-1212		71. 05-R-1181
30. 05-R-1237		72. 05-R-1182
		73. 05-R-1183
		74. 05-R-1184
		75. 05-R-1185
		76. 05-R-1186
		77. 05-R-1187
		78. 05-R-1188
		79. 05-R-1189
		80. 05-R-1190
		81. 05-R-1191